

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

ROSS ALAN JENNINGS,

Plaintiff,

v.

CIVIL ACTION NO. 1:19-00099

ANDREW M. SAUL,
Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Eifert submitted to the court her Findings and Recommendation on January 15, 2020, in which she recommended that the court deny plaintiff's request for judgment on the pleadings, grant the Commissioner's request for judgment on the pleadings, affirm the Commissioner's decision, and dismiss this case and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days and three mailing days in which to file any objections to Magistrate Judge Eifert's Findings and Recommendation. The failure of any party to file such objections within the time allowed constitutes a waiver of

such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Objections to the Proposed Findings and Recommendation were due by February 3, 2020. Neither party filed any objections by the filing deadline.

Accordingly, the court adopts the Findings and Recommendation of Magistrate Judge Eifert as follows:

1. Plaintiff's request for judgment on the pleadings is **DENIED**;
2. The Commissioner's request for judgment on the pleadings is **GRANTED**;
3. The Commissioner's decision is **AFFIRMED**;
4. This case is **DISMISSED**; and
5. The Clerk is directed to remove this case from the court's active docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented parties.

IT IS SO ORDERED this 7th day of February, 2020.

ENTER:

David A. Faber
David A. Faber
Senior United States District Judge